

James W. Morando, CA Bar No. 87896
Deepak Gupta, CA Bar No. 226991
FARELLA BRAUN & MARTEL LLP
235 Montgomery Street, 17th Floor
San Francisco, California 94104
Telephone: 415.954.4457
Facsimile: 415.954.4480
Email: jmorando@fbm.com
Email: dgupta@fbm.com

Keiko L. Sugisaka, MN Bar No. 266152 (*Pro hac vice*)
Joseph P. Ceronsky, MN Bar No. 391059 (*Pro hac vice*)
MASLON EDELMAN BORMAN & BRAND, LLP
3300 Wells Fargo Center
90 South Seventh Street
Minneapolis, MN 55402-4140
Telephone: 612-672-8200
Facsimile: 612-672-8397
Email: keiko.sugisaka@maslon.com
Email: joseph.ceronsky@maslon.com

ATTORNEYS FOR DEFENDANTS JINGIT
LLC, JINGIT HOLDINGS, LLC, JINGIT
FINANCIAL SERVICES, LLC, TODD ROOKE,
JOE ROGNESS, SAM ASHKAR, PHIL HAZEL,
HOLLY OLIVER, SHANNON DAVIS, JUSTIN
JAMES, CHRIS OHLSEN, DAN FRAWLEY,
DAVE MOOREHOUSE, II, TONY ABENA,
CHRIS KARLS, JOHN E. FLEMING, AND
MUSIC.ME, LLC

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

Indiezone, Inc., a Delaware corporation, and EoBuy, Limited an Irish private limited company,

Case No: 13-cv-04280-VC

Plaintiffs,

VS.

Todd Rooke, Joe Rogness, Phil Hazel, Sam Ashkar, Holly Oliver and U.S. Bank, collectively the ***RICO Defendants***;

JINGIT DEFENDANTS' OBJECTIONS TO PLAINTIFFS' EXHIBIT LIST

Jingit LLC, Jingit Holdings, LLC, Jingit Financial Services LLC., Music.Me, LLC., Tony Abena, John E. Fleming, Dan Frawley, Dave Moorehouse II, Chris Ohlsen, Justin James, Shannon Davis, Chris Karls in their capacities as officers, agents and/or

1 employees of Jingit LLC, ***Defendants in Negligence,***
 2 ***and Aiding/Abetting;***

3 Wal-Mart, General Electric, Target, DOE(s) and
 4 ROE(s) 1 through 10, ***Defendants in Negligence***
Secondary-Vicarious Infringement,

5 Defendants.

6

7 On June 6, 2014, the Court issued an Order Setting Evidentiary Hearing (Docket No. 113) on
 8 the Jingit Defendants¹ Motion for Sanctions. Among other things, the Order required the parties to
 9 file exhibit lists and also exchange exhibits by July 17, 2014 and to file objections to exhibits by July
 10 31, 2014. On July 17, 2014, Plaintiffs filed a “Response to the Order of the Court for Production of
 11 Documents and a List of Witnesses and Testimony on Evidentiary Hearing For Sanctions” (Docket
 12 No. 124), which included a list of witnesses to appear “by live video feed” and identified four
 13 documents on an exhibit list: three exhibits were “to be provided” and the fourth exhibit was
 14 “Attached Exhibit ‘B [sic]’” purporting to be the “2008-2014 Corporate Book issued by Irish
 15 Registry Corporate Registry.” Plaintiffs’ simultaneous Docket No. 124-1 filing then provided
 16 placeholder pages for “Exhibit ‘A’ (to be provided),” “Exhibit ‘B’ (to be provided),” and “Exhibit
 17 ‘D’ (to be provided)” and provided a copy of “Exhibit ‘C’” attaching the Memorandum and Articles
 18 of Association of EoBuy Licencing Limited. Also on July 17, 2014, Plaintiffs filed an Opposed
 19 Motion for an Enlargement of Time to File Exhibit List and Witness List for Evidentiary Hearing
 20 and Motion for Video Appearance by Plaintiffs[’] Witnesses for Evidentiary Hearing with the
 21 supporting Declaration of Douglas R. Dollinger (Docket Nos. 128 & 128-1). In a July 18, 2014 Text
 22 Order (Docket No. 129), the Court denied Plaintiffs’ Motions and Ordered Plaintiffs to file their
 23

24

25

26 ¹ “Jingit Defendants” are Todd Rooke, Joe Rogness, Phil Hazel, Sam Ashkar, Holly Oliver,
 27 Jingit, LLC, Jingit Holdings, LLC, Jingit Financial Services, LLC, Music.Me, LLC, Tony Abena,
 28 John E. Fleming, Dan Frawley, Dave Moorehouse II, Chris Ohlsen, Justin James, Shannon Davis
 and Chris Karls.

exhibit and witness lists by Monday, July 21 “or the Court will consider additional sanctions.” To date, Plaintiffs have not made any additional filings or provided any additional witness list, exhibit list, or copies of exhibits to the Court or to the Jingit Defendants.

The Jingit Defendants hereby object to all of Plaintiffs' Exhibits identified on Plaintiffs' July 17, 2014 exhibit list with the exception of Plaintiffs' "Exhibit 'C'" Memorandum and Articles of Association of eoBuy Licensing Limited provided at Docket No. 124-1. With the exception of the aforementioned Exhibit C, to date Plaintiffs have not provided to the Jingit Defendants copies of any other exhibits, including any of the "to be provided" exhibits identified by Plaintiffs on July 17, 2014 (Docket Nos. 124 & 124-1), in contravention of the Court's Orders (Docket Nos. 113 and 129).

Respectfully Submitted,

Dated: July 31, 2014

MASLON EDELMAN BORMAN & BRAND, LLP

By: s/ Keiko L. Sugisaka
Keiko L. Sugisaka, MN Bar No. 266152
(Pro hac vice)

**ATTORNEYS FOR DEFENDANTS JINGIT LLC,
JINGIT HOLDINGS, LLC, JINGIT FINANCIAL
SERVICES, LLC, MUSIC.ME, LLC, TODD
ROOKE, JOE ROGNESS, SAM ASHKAR, PHIL
HAZEL, HOLLY OLIVER, SHANNON DAVIS,
JUSTIN JAMES, CHRIS OHLSEN, DAN
FRAWLEY, DAVE MOOREHOUSE II, TONY
ABENA, CHRIS KARLS AND JOHN E.
FLEMING**

#1054704